

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on November 14, 2007, which paper has been placed of record in the file.
2. Claims 4 and 5 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 4 and 5 have been fully considered but are not persuasive.

In response to the applicant's argument that Johnson merely mentions an off-line payment mechanism is one of the ways a customer might pay for a transaction does not mean that Johnson teaches how a merchant can set up that off-line payment mechanism, examiner disagrees. Examiner submits that Johnson teaches how a merchant can set up payment models (see column 13, lines 10-30), *the merchant's automated system provides the customer with the opportunity to provide two payment instruments and offers an incentive if two payment methods are supplied*; customer provides one or more payment methods, *the merchant determines whether the customer supplied two methods*, etc...Moreover, Johnson teaches in column 25, lines 3-8 that only specific combinations of supported payment instruments may be allowed, e.g., *a web-based system may require that one payment method be a credit card, but allow the other method to be* a credit card, checking account, or *cash-on-delivery (COD) shipment (off-line payment method)*. In the case the other method is COD, the two payment methods required by the merchant are credit card and COD. Thus, it is

obvious that the merchant must set up COD (off-line payment method) in order to support this feature. ***Therefore, Johnson obviously does teach how a merchant can set up the off-line payment mechanism.***

In conclusion, for the reason set forth above, examiner decide to maintain the previous rejection (also see details below) and make this Office action FINAL.

4. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al (hereinafter Stein), U.S. Patent No. 5,826,241, in view of Johnson et al (hereinafter Johnson), U.S. Patent No. 6,999,943.

Regarding to claim 4, Stein discloses a payment management system including:
one or more payment protocol plug-ins normally used to control online funds transfers from a financial institution to a seller account following placement of a merchandise order by a buyer with the seller (column 3, lines 50-60, **the payment system 10** unitizes these commercially available issuers 32, to bill users and to collect payment from users for their transactions on the Internet),

each of the payment protocol plug-ins being implemented by extending a framework characterized by:

a Payment Instruction data structure describing payment instructions for completing the transaction (column 5, lines 27-40, the payment system 10 includes card holder account 100 contains: the pay-in selection 108, using a conventional authorization to charge a credit card, and the pay-out selection 110, direct deposit into checking account),

a Capture data structure describing the state of a specific transaction by which a seller is compensated (column 8, lines 37-55, the front end program 90 at the payment system 10 receives the transfer-result message contains: the transaction-identifier, the seller's name, the buyer's name, the transfer type, the textual description of the transaction, the transfer amount in the currency, the indication of the buyer's willingness to allow transfer of funds, etc...),

a Refund data structure describing the state of a specific transaction by which compensation is returned to a buyer (column 11, line 55-column 12, line 7, chargeback transaction),

a Batch data structure defining a set of Captures and Refunds to be processed as a unit (column 11, lines 1-55, the back end program 92 at the payment system 10 batches the accumulated payment transactions into a single off-Internet transaction, using the pay-out method associated with the seller's account), and

an Account data structure describing a relationship between a seller and a financial agent responsible for transferring funds into a seller account (column 5, lines 10-20, the payment system 10 includes the cardholder account 100),

said system further including:

seller-defined storage areas in the Payment Instruction data structure for receiving seller-entered information and a seller-defined storage area in the Account data structure identifying the method being modeled (the user 14 receives a blank form and enters information includes: the application's name, address, phone number, credit card information, checking account information, or other financial information, etc...the entered information is transmitted to the payment system 100; column 5, lines 27-40, the payment system 10 includes card holder account 100 contains: the pay-in selection 108, using a conventional authorization to charge a credit card, and the pay-out selection 110, direct deposit into checking account).

Stein does not disclose seller-entered information unique to a specific offline method being modeled. However, Johnson discloses the seller utilizes different offline

payment protocols (column 24, line 60-column 25, line 10, e.g. loyalty points, barter units, Cash-on-Delivery (COD), etc...). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Stein's to allow the seller to provide the offline payment protocols as taught by Johnson to the payment system 10, for the purpose of providing the buyer the opportunity to pay for the purchased goods with the different offline payment protocols.

Regarding to claim 5, Stein does not disclose wherein each seller-defined storage area comprises a field of finite length. However, designing a field of finite length in a storage area is well known in the art of database management. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Stein's to include the well-known feature above, for the purpose of creating a field of a finite length in the database to store the seller information.

Conclusion

7. Claims **4-5** are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692

January 15, 2008

